

RESPONSE AND REMARKS

Applicant thanks the Examiner for the care and time taken in considering the above-referenced patent application and claims and specifically extends her gratitude in allowing Applicant time to discuss the present invention in recent telephone interviews held on October 26, and November 8, 2005. Dependent claims 5 and 6 were cancelled to coincide with the elected species noted herein. Two claims in dependent form, consonant with the species election, were added to further define the preferred embodiment of the present invention. No new matter is added by the claim amendments since the present invention comprising a tray and interiorly fitted grate collectively arranged within and cooperating with a folding frame structure is provided and described in the original application for patent. Applicant further notes changes to the specification to ensure it reads consistently with the election of species stated herein.

The Examiner has identified in the application for patent two distinct, independent inventions, specifically being identified herein as Inventions I and II. Invention I is construed to comprise the subject matter depicted in Figures 1-5, specifically being defined by apparatus claims 1-6. Invention II is construed to comprise the subject matter depicted in Figures 6-14, specifically being defined by apparatus claims 7-20. Accordingly, the Examiner is requiring Applicant in accord with 35 U.S.C. 121 to elect either Invention I or II for prosecution on the merits. The Examiner has identified claims 1-4 as being generic to both species as presented in the original application for patent.

In response to the requirement for restriction, Applicant elects for further examination and consideration on the merits the invention construed by the Examiner to be set forth in Figures 6-14, namely the claims directed to Invention II noted above.

In furthering this election, Applicant cancelled claims 5 and 6 each of which sets forth subject matter pertaining to the non-elected species, notably a tray and interiorly fitted grate collectively arranged within the confines of a cabinet. Consonant with the election of Invention II, Applicant added claims 21 and 22. Claim 21, which depends from claim 1, sets forth further limitation in the nature of a folding frame structure and

tray support assembly for supporting a tray and interiorly fitted frame, as specifically recited in claim 1. Applicant makes note that if in the event claims 1-4, as originally filed, fail in any respect to read consistently with the election of Invention II by the addition of claim 21, Applicant respectfully requests the Examiner to prepare an Examiner's amendment which provides for the combined subject matter of newly added claim 21 and independent claim 1, as originally filed.

In other aspects, specifically consonant with the election of Invention II, Applicant notes the addition of claim 22, which sets forth therein subject matter pertaining to a frame and associated components to further limit and define the subject matter of claim 7, which claim 22 depends.

In light of Applicant's remarks, Applicant respectfully requests re-consideration of original claims 1-4 and 7-20 and newly added dependent claims 21 and 22, which are collectively directed to Invention II as elected by Applicant.

CONCLUSION

In light of the requirement for restriction, Applicant elects for evaluation and consideration on the merits the subject matter directed to Invention II. Applicant respectfully requests re-consideration claims 1-4 and 7-20, as originally filed, and newly added claims 21 and 22 to determine whether such claims cooperatively read upon and coincide with the subject matter of this election. Favorable reconsideration of this application, as amended, is respectfully requested.

Applicant makes note and reminds the Examiner that if the foregoing response is inadequate in any respect insofar that it unduly limits the Examiner's ability to further consider the application for patent on the merits, Applicant respectfully requests the Examiner, prior to further examination of the pending application, to telephone Applicant's attorney of record to allow ample time to make further changes if deemed necessary.

Dated this 16th day of November 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael A. Mochinski', written over a horizontal line.

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Enclosures: 1) Amended Drawings (4)
2) Petition for Extension of Time
3) Check in the amount of \$60.00
4) Return Receipt Postcard

DRAWING AMENDMENTS

Applicant notes changes to the drawings as originally submitted with the application for patent to include re-identification of Figure 1 and the addition of Figure 5. More specifically, original Figure 5 has been changed to Figure 1, which depicts the tray and interiorly fitted frame or grate for supporting foot apparel atop thereof. Original Figure 1, which depicted a tray and interiorly fitted grate collectively arranged within the confines of a cabinet, was cancelled due to the election of the species comprising a folding frame structure, referred herein as Invention II. Newly added Figure 5 depicts the subject matter of independent claim 7, as originally filed, and newly added dependent claim 22, which sets forth therein further subject matter pertaining to a frame and associated components situated within the tray. New Figure 5 is substantially derived from the subject matter depicted in original Figure 6, with the exception that Figure 5 now shows the absence of a plurality of support bars (80) for the tray support assembly (72), as originally recited in claim 7, and addition of a frame (56) resting atop the tray (26), as recited in new claim 22.

With exception of added Figure 5, a copy of the drawings as originally filed with the application have been marked up to show proposed changes to the drawings, each of which being identified as "Annotated Sheet Showing Changes" per provision of 37 CFR §1.121(d) [proposed changes appear in red ink]. In addition, Applicant is re-submitting herewith substitute drawings which incorporate the proposed changes per provisions of 37 CFR §1.84 with each being identified as "Replacement Sheet."



